

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SHALLA FLORES, SP 2011-SU-084 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 3425 West Ox Rd., Herndon, 20171, on approx. 37,103 sq. ft. of land zoned R-1. Sully District. Tax Map 35-4 ((1)) 72. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on December 7, 2011; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 37,103 square feet.
4. Staff recommends approval.
5. The Board adopts staff's rationale.
6. Based on the testimony the Board heard, Ms. Flores is an excellent childcare provider.
7. Quality childcare is needed within Fairfax County because of the demographics of the county.
8. This is a very large lot. It is almost one acre in size.
9. The playground equipment itself is located in a very inconspicuous area.
10. It looks like there is sufficient vegetation to basically screen it for a significant portion of the year.
11. The applicant has done a good job from the standpoint of the childcare and everything else that is associated with it.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Shalla Flores, only and is not transferable without further action of the Board, and is for the location indicated on the application, 3425 West Ox Road, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Permit (SP) Plat prepared by L.S. Whitson, Sam Whitson Land Surveying, Inc., dated September 6, 2011, and approved with this application, as qualified by these development conditions.

3. A copy of this special permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The maximum number of employees shall be limited to one (1) on-site at any one time in addition to the applicant.
6. The dwelling that contains the child care facility shall be the primary residence of the applicant.
7. A minimum of five (5) parking spaces shall be provided on the subject parcel within areas of existing paving. In no instance shall the driveway or parking areas exceed 30% of any front yard.
8. There shall be no signage associated with the home child care facility.
9. The existing one-car garage shall not be converted to a use other than for off-street parking and shall be kept clear of debris at all times in order to accommodate parking for the principal and home child care uses.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The number of children shall not be increased above seven (7) until all conditions are met. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Chairman Ribble was absent from the meeting.

A Copy Teste:

Kathleen A. Knoth
Clerk to the Board of Zoning Appeals